

JAP:WDS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M12-0294

- - - - -X

UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

- against -

GERARD CHARLES MALEY,

(18 U.S.C § 751(a))

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

MARK CARTER, being duly sworn, deposes and states that he is a Deputy United States Marshal duly appointed according to law and acting as such.

Upon information and belief, on or about March 21, 2012, within the Eastern District of New York and elsewhere, the defendant GERARD CHARLES MALEY, having been convicted of an offense, did knowingly and intentionally escape from the custody of the Attorney General or his authorized representative.

(Title 18, United States Code, Section 751(a)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware. In addition, when I rely on statements made by others, such statements are set forth in part and in substance unless otherwise indicated.

1. On or about October 1, 1999, the defendant GERARD CHARLES MALEY was sentenced by Judge Sterling Johnson of the United States District Court for the Eastern District of New York to a term of 188 months' imprisonment in the custody of the Attorney General of the United States. The defendant was sentenced in connection with his conviction for bank robbery, contrary to Title 18, United States Code, Section 2113(a).

2. On or about January 24, 2012, the defendant GERARD CHARLES MALEY was transferred from F.C.I. Beckley, West Virginia, to the Brooklyn Residential Reentry Center ("BRRRC"). The defendant's term of custody was scheduled to be completed on October 18, 2012.

3. On or about March 21, 2012, the defendant returned to the BRRRC after being out on an authorized pass. The defendant was accounted for at the count conducted at 9:15 p.m., but at the 11:00 p.m. count, the defendant was not present. Thereafter the defendant failed to return to the BRRRC. The defendant was scheduled to remain at the facility until October 18, 2012.

4. As of this date, the defendant GERARD CHARLES MALEY has failed to return to the BRRRC.

WHEREFORE, your deponent respectfully requests that a warrant issue for the arrest of the defendant GERARD CHARLES MALEY so that he may be dealt with according to law.

A handwritten signature in black ink, appearing to read 'Mark Carter', is written over a horizontal line.

MARK CARTER
Deputy Marshal
U.S. Marshals Service

Sworn to before me this
__ day of March, 2012

THE HONORABLE JOAN M. AZRACK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK